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NMS Supply, Inc., J.W. Construction, Inc., and
9 David R. Whiteside

10
11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

14 WALTER PEREZ ESCOBAR, MARGARITO
GONZALEZ, and FRANCISCO CISNEROS-
15 ZAVALA, individually and on behalf of all others
similarly situated

16 Plaintiff,

17 v.
18

19 WHITESIDE CONSTRUCTION CORPORATION,
NMS SUPPLY, INC., J.W. CONSTRUCTION,
20 INC., and DAVID R. WHITESIDE

21 Defendants.
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) Case No. CV 08 1120 WHA
)
) **DECLARATION OF DANIEL**
) **CASTILLO IN OPPOSITION TO**
) **PLAINTIFFS' MOTION FOR**
) **CERTIFICATION OF FAIR LABOR**
) **STANDARDS ACT COLLECTIVE**
) **ACTION AND APPROVAL OF**
) **NOTICE**
)

) Date: August 21, 2008
) Time 8:00 a.m.
) Courtroom: 9
) Judge: Hon. William Alsup
)

1 I, Daniel Castillo, declare:

2 1. I have personal knowledge of the facts set forth herein, and if called as a witness, I
3 could and would competently testify thereto. I understand and read English.

4 2. I make this declaration voluntarily, and I have not been pressured by anyone to
5 provide this declaration. Further, I have not received any payment or promise of future
6 consideration for this declaration.

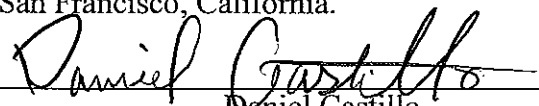
7 3. I was employed by Whiteside Construction Corporation during 2002 and 2003 and
8 have been employed again by the Company since May, 2008. I am currently employed by
9 Whiteside Construction as a union cement mason, and my pay rate is determined by the
10 Company's union contract with the Cement Masons union.

11 4. Since May, 2008, I have traveled to work in the morning by driving with my
12 brother, David Castillo, in his car. David also works for Whiteside Construction, and we live
13 together. We have always driven from our home directly to the job site in the morning. Since the
14 beginning of my current employment with the Company, I have been aware that I and other
15 employees have the option either to go directly to the job site at the beginning of the day or to go
16 to the yard in Richmond and obtain a ride from there. The Company does not require employees to
17 report to its yard every day.

18 5. Each afternoon, I get my assignment for the next day from the foreman working at
19 my location. The foreman tells me where I will be working and what time to begin work at the job
20 site. I know that, if necessary, I can call the Company's office to learn the location and time of my
21 assignment for the next day. However, I have never had to call the Company's office to do so. I
22 am not required to go to the yard in Richmond to find out where I work.

23 I declare under penalty of perjury under the laws of the State of California and of the
24 United States that the foregoing is true and correct.

25 Executed this 31st day of July, 2008, at San Francisco, California.

26 
27 Daniel Castillo
28 7-31-08 San Francisco Ca.